

Traffic Regulation Orders - Your Questions Answered

What is a Traffic Regulation Order?

A TRO is the legal instrument by which traffic authorities implement most traffic management controls on their roads. Under the provisions of the Road Traffic Regulation Act 1984, local authorities can implement Traffic Regulation Orders (TROs), designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. A TRO may take effect at all times or during specified periods, and certain classes of traffic may be exempted from a TRO.

Who can implement a TRO?

County councils, metropolitan district councils and London boroughs all have powers to make TROs on the roads for which they are responsible. The Secretary of State has similar powers with respect to trunk roads.

What are the different types of TROs?

Permanent TROs, which remain in force until superseded or revoked.

Experimental orders, which may last for up to 18 months, with extensions available in certain circumstances.

Temporary orders (for road works, or the avoidance of danger to the public, or for litter clearance and cleaning) which may last for: up to six months for footpaths, bridleways, cycle tracks and byways open to all traffic; and up to 18 months on other roads, with extensions available in certain circumstances.

When can a TRO be implemented?

A TRO may be implemented for one or more of the following purposes:

Avoiding danger to persons or traffic;

Preventing damage to the road or to buildings nearby;

Facilitating the passage of traffic;

Preventing use by unsuitable traffic;

Preserving the character of a road especially suitable for walking or horse riding;

Preserving or improving amenities of the area through which the road runs;

For any of the purpose specified in paragraphs (a) to (c) of the Environment Act 1995 in relation to air quality.

Orders can also be made for roads in special areas of the countryside (e.g. National Parks) for the purpose of conserving or enhancing the natural beauty of the area. TROs can also be implemented to allow for improved access to recreational opportunities or to provide for the study of nature. Similar orders in London may be made for a slightly wider range of purposes.

What effect can a TRO have on pedestrian and vehicular access?

A TRO must not normally have the effect of preventing pedestrian access at any time, or preventing vehicular access for more than 8 hours in a day, to premises on or adjacent to the road. However, this restriction does not apply if the local authority state in the order that they are satisfied that vehicular access should be limited for more than 8 hours in 24 in order to: avoid danger or damage, or facilitate the passage of vehicles along a road, or preserve amenity by restricting or prohibiting heavy commercial vehicles..

What must a local authority do prior to implementing a TRO?

Permanent TROs are subject to The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, which can be seen at

http://www.opsi.gov.uk/si/si1996/Uksi_19962489_en_1.htm These impose various legal requirements prior to making an order, including:

- publishing a notice of the proposals in a local newspaper;
- allowing potential objectors 21 days to make representations;
- taking other steps the authority may consider appropriate for ensuring adequate publicity is given to persons likely to be affected by any provision in the order, which may include roadside notices and delivery of letters to premises; and
- holding a public inquiry if the TRO would:
 - a. restrict the passage of public service vehicles; or
 - b. prohibit loading or unloading of vehicles (i) at all times, (ii) before 07.00 hours, (iii) between 10.00 and 16.00, or (iv) after 19.00 and an objection has been made to the order.

Who needs to be consulted before a TRO is implemented?

The police along with the Freight Transport Association and Road Haulage Association must be consulted before a TRO can be implemented.

Who may object to a TRO?

Any person may object to a TRO. The traffic authority is obliged to consider such objections (and, if a public inquiry is held, the Inspector's recommendations) before deciding whether or not to make the order.

What must be done once an order is made?

Once an order is made, the regulations require (amongst other things) that:

- a notice to that effect be published in a local newspaper;
- that objectors be notified in writing of the decision (and, where the objections have not been acceded-to, the reasons for it);
- other publicity steps be taken as the authority considers appropriate; and
- the requisite traffic signs are placed on or near the road and maintained for as long as the TRO remains in force.